

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1 and 9-17 have been amended. Claims 25-28 have previously been canceled without prejudice. Therefore, claims 1-24 now are presented for examination.

Drawings

Figures 1-5 are objected to for failing to be designated as prior art. Applicants hereby submit replacement sheets for figures 1-5 to overcome the drawing objection.

35 U.S.C. § 102 Rejection

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ogasawara U.S. Patent No. 6,671,877 (“Ogasawara”).

Applicants respectfully submit that Ogasawara discloses that “a method is compiled by a JIT compiler if it is determined that it is executed more than a certain level in terms of *execution frequency or execution time*. Once generated, JITed codes are managed in memory. The time when a JAVA system assures that they can be safely discarded is when *the JAVA system discards a class by garbage collection*.” (col. 1, lines 51-57’ emphasis provided). Ogasawara further discloses that “*if a memory request of a JIT compiler cannot be met in a certain thread, the thread temporarily stops all the threads other than itself and locates active methods*.” (col. 4, lines 8-11; emphasis provided).

In contrast, claim 1, in pertinent part, recites “unwinding a stack to determine which methods are active [and] . . . reclaiming the native code associated with the first method and compiling byte code into native code associated with the second method in response to determining that the second method is active.” (emphasis provided).

Ogasawara discloses that “*the JAVA system discards a class by garbage collection*” (col. 1, lines 55-57; emphasis provided); however, Ogasawara does not teach or reasonably suggest “unwinding a stack to determine which methods are active [and] . . . reclaiming the native code associated with the first method and compiling byte code into native code associated with the second method in response to determining that the second method is active.” (emphasis provided). Accordingly, Applicants respectfully request that the rejection of claim 1 and its dependent claims be withdrawn.

With regard to independent claims 9 and 17, they contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9 and 17 and their dependent claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 6, 2005



Aslam A. Jaffery
Reg. No. 51,841

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1030
(303) 740-1980